



## **PLANNING DIRECTOR'S HEARING AGENDA**

**WEDNESDAY, AUGUST 10, 2005**

9:00 a.m.  
City Council Chambers  
Room 205  
City Hall

801 North First Street  
San Jose, California

### **Hearing Officers**

**Jean Hamilton, AICP, Principal Planner**

**Susan Walton, Principal Planner**

**Plan Implementation Division  
Joseph Horwedel, Deputy Director**

**Stephen M. Haase, AICP  
Director Planning, Building, and Code Enforcement**

## NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 277-4576 (VOICE), 998-5299 (TTY) at least two days, (48 hours) before the meeting. If you requested such an accommodation and have not already identified yourself to the technician seated at the staff table, please do so now. If you did not call in advance and do now need assistance, please see the technician.

## NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **August 10, 2005**. My name is \_\_\_\_\_ and I am the Hearing Officer for today's agenda. On behalf of the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off all cell phones and pagers. A copy of the agenda is available on the table by the door for your convenience.

The procedure for this hearing is as follows:

- Hearing Officer will identify the project as described on the agenda
- Staff report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The Hearing Officer may ask questions of the speaker
- The public hearing will then be closed and the Hearing Officer will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

**If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.**

**The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed.** The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

**Note:** If you have any agenda changes, please contact Larry Ng ([larry.ng@sanjoseca.gov](mailto:larry.ng@sanjoseca.gov)).

## **AGENDA**

### **ORDER OF BUSINESS**

#### **1. DEFERRALS**

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

None

**The matter of deferrals is now closed.**

#### **2. CONSENT CALENDAR**

##### **NOTICE TO THE PUBLIC**

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by the Director of Planning, staff, or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please come to the podium at this time.

- a. T05-053. Tentative Map Permit** request to reconfigure 1 parcel into 1 lot for 10 medical condominium offices on a 1.37 gross acre site in the CP Pedestrian Commercial Zoning District, located on the west side of Bascom Avenue, approximately 160 feet northerly of Bailey Ave (105 N BASCOM AV) (Bascom Medical Prop Llc, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Exempt.
- b. SF05-010. Single Family House Permit** to allow a 2,254-square-foot addition to an existing single-family residence resulting in an Floor Area Ratio (FAR) of 0.52 in the R-1-8 Single-Family Residence Zoning District, located at 5899 Taormino Avenue (Johns Greg B Et Al, Owner). Council District 10. SNI: None. CEQA: Exempt.
- c. TR05-064. Tree Removal Permit** to remove one Elm tree 96 inches in circumference on a 0.13 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1798 Balsa Avenue (Yates Valerie B And Kirk M Sr, Owner). Council District 9. CEQA: Exempt.
- d. SF05-017. Single-family House Permit** to allow an addition of a 1,070 square foot second story to an existing single-family residence resulting in a 0.51 floor area ratio on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the 1109 Dean Avenue (Winter Jeff And Soraya Trustee, Owner). Council District 6. SNI: None. CEQA: Exempt.

- e. **TR05-024. Tree Removal Permit** to remove one Shamel Ash tree, approximately 108 inches in circumference on a 0.12 gross acre site in the R-1-8(PD) Planned Development Zoning District, located on the north side of Acorn Court, approximately 90 feet east of Acorn Way (3128 Acorn Court) (Palmer Joseph E, Owner). Council District 1. CEQA: Exempt.
- f. **TR 05-011. Tree Removal Permit** request to allow the removal one (1) Pepper tree, approximately 159 inches in circumference and one Siberian Elm tree, approximately 64 inches in circumference in an existing mobilehome park in the R-MH Mobilehome Park Zoning District, located on the east side of Edenvale Avenue approximately 650 feet south of Monterey Highway (5101 MONTEREY RD) (Rancho Santa Teresa Llc et al, Owner). Council District 2. CEQA: Exempt.
- g. **TR05-071. Tree Removal Permit** to remove one pine (117 inches in circumference) on a 0.08 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the south side of Sierra Avenue, approximately 180 feet westerly of Willard Avenue (1540 SIERRA AV) (Barry Charles G, Owner). Council District 6. CEQA: Exempt.
- h. **PDA98-033-01. Planned Development Permit Amendment** to relocate a flagpole and allow wireless communications antennas inside a new 45 feet flagpole at Fire Station No. 31 on a 0.76 gross acre site in the A(PD) Planned Development Zoning District, located on the east side of Ruby Avenue, 200 feet southerly of Aborn Road (3100 RUBY AV) (City Of San Jose, Owner). Council District 8. SNI: None. CEQA: Exempt
- i. **PDA96-068-01. Planned Development Permit Amendment** to allow the demolition and replacement of an existing 6,106 square foot garden center at a retail store (Target) with a 13,687 square foot building addition, as well as full facade and landscaping upgrades on a 9.9 gross acre site in the LI(PD) Planned Development Zoning District, located on the southwest corner of Lexann Avenue and Silver Creek Road (3155 Silver Creek Road). Council District 8. SNI: West Evergreen. CEQA: Mitigated Negative Declaration.
- j. **SP05-026. Special Use Permit** to allow the demolition of an existing industrial building on a 19.6 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Story Road approximately 720 feet southwesterly of McLaughlin Avenue (915 Story Road) (TWN Investment Group LLC, Owner). Council District 7. SNI: None. CEQA: Mitigated Negative Declaration (File No. PDC04-045).
- k. **SP05-030. Special Use Permit** to allow temporary outdoor Farmer's Market within an existing parking lot of retail shopping mall (Westgate Center) on a 44.57 gross acres site in the CG General Commercial Zoning District, north side of Hamilton Avenue across from Campbell Avenue (1600 SARATOGA AV) (Federal Reality Investment David Bouquillon, Owner). Council District 1. SNI: None. CEQA: Exempt.
- l. **SP05-028. Special Use Permit** to allow demolition of a detached two-car garage and construction of an attached one-car garage and one-car carport in an

- alternative parking arrangement (tandem parking) for an existing single-family residence on a 0.18 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the north side of Calaveras Avenue, approximately 350 feet westerly of Park Avenue (1445 CALAVERAS AV) (Cheshire Stuart D And Dwanji Pavani, Owner). Council District 6. SNI: None. CEQA: Exempt.
- m. **H05-033. Site Development Permit** to rebuild a two-family residence previously damaged by fire, construct a 191 square-foot addition, and allow site improvements on a 0.17 gross acre site in the R-2 Two-Family Residence Zoning District, located at/on the north side of David Avenue, approximately 80 feet west of Monica Lane (2911 DAVID AV) (Mr Tom Kelly, Owner). Council District 6. SNI: Winchester. CEQA: Exempt.
  - n. **PDA03-065-02. Planned Development Permit Amendment** to allow the removal of seven (7) trees on a 0.67 gross acres site in the A(PD) Planned Development Zoning District, located on the northwest corner of North 1st Street and Gish Road (1433 N 1ST ST) (Bellagio Garden Llc, Owner). Council District 3. CEQA: Mitigated Negative Declaration.
  - o. **TR05-046. Tree Removal Permit** to remove 1 Ash tree, 113 foot circumference on a 0.11 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the east side of Mt. Palomar Drive, approximately 450 feet northerly of Mt. Hood Way (1482 MT PALOMAR DR) (Bosworth Phyllis, Owner). Council District 5. CEQA: Exempt. Deferred from 7/27/05
  - p. **PD 05-017. Planned Development Permit** to allow indoor recreational uses in an existing industrial building on an approximately 16.4 gross-acre site in the IP (PD) Planned Development Zoning District, located on the southwest corner of Hellyer Avenue and Embedded Way (800 EMBEDDED WY) (Mission West Properties L.P., Owner). Council District 2. SNI: None. CEQA: Negative Declaration.
  - q. **SP02-006. Special Use Permit** to legalize the addition of an unpermitted 200 square foot storage room, bathroom, and wet bar to an existing single-family detached garage on a 0.21 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the northeast corner of McLaughlin Avenue and Melbourne Boulevard (730 McLaughlin Ave.) (Maria Teresa Snyder, Owner). Council District 3. SNI: Five Wounds/Brookwood Terrace. CEQA: Exempt.
  - r. **SP05-008. Special Use Permit** to raise an existing legal non-conforming single-family residence by three feet and convert basement into living space on a 0.06 gross acre site. in the CG General Commercial Zoning District, located at/on the west side of North 5th Street approximately 150 feet northerly of St James Street (205 N 5TH ST) (Chang Allen And Chan Hang Chu, Owner). Council District 3. SNI: 13th Street. CEQA: Exempt.
  - s. **SP05-018. Special Use Permit** to remove a 837 sq.ft. garage and replace it with a 954 sq.ft. garage on a 0.32 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at/on the Southwest side of Chapman Street approximately 200 feet southeast of University Avenue (831 CHAPMAN ST) (Shiba Michael S And

Ann M, Owner). Council District 6. SNI: None. CEQA: Exempt. Continued from 7/27/05

- t. **SP05-017. Special Use Permit** request to allow a 448 -square foot accessory structure for an existing single-family detached residence on a 0.15 gross acre site in the R-1-8 Single-Family Residence Zoning District, located on the west side of Aragon Way, approximately 400 feet northerly of Andalusia Way (2527 ARAGON WY) (Disalvo Alan S, Owner). Council District 9. SNI: None. CEQA: Exempt.
- u. The projects being considered are generally bounded by East Virginia Street to the north, South 6<sup>th</sup> Street to the east, Martha Street to the south, and South 5<sup>th</sup> Street to the west (250 E. Virginia Street), in the A(PD) Planned Development Zoning District (250 E. Virginia, Owner). Council District 3. SNI: Spartan/Keyes. CEQA: Mitigated Negative Declaration.
  - 1. **PD05-035. Planned Development Permit** to construct 147 single-family attached residences on a 3.69 gross acre site.
  - 2. **PT05-046. Planned Tentative Map Permit** to reconfigure one parcel into one lot for 147 single-family attached residences on a 3.69 gross acres site.
- v. The projects being considered are located on the south side of Malone Road approximately 240 feet northeasterly of Johnston Avenue (800 MALONE RD) located in the A(PD) Planned Development (Letcher Carol D, Owner). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration
  - 1. **PD05-030. Planned Development Permit** to demolish three residential structures and construct seven detached and two attached single-family residences on a 1.176 gross acre site. Deferred from 7/27/05.
  - 2. **PT05-035. Planned Tentative Map Permit** to reconfigure two parcels into ten lots for single-family residential uses on a 1.176 gross acre site

**The consent calendar is now closed.**

### **3. PUBLIC HEARING**

- a. **TR05-076. Tree Removal Permit** request to remove one Redwood tree 70 inches in circumference on a 0.16 gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 1426 Vinci Park Way (1426 VINCI PARK WY) (Ngo Khoa And Nguyen Kathy Thao, Owner). Council District 4. CEQA: Exempt.

**This concludes the Planning Director's Hearing for August 10, 2005. Thank you.**

PLANNING DIRECTOR'S AGENDA ON THE WEB:  
<http://www.sanjoseca.gov/planning/hearings/index.htm>  
PUBLIC INFORMATION COUNTER

(408) 277-4576 CITY OF SAN JOSE

**DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT  
PLANNING DIRECTOR'S HEARING**

**Synopsis of Staff Recommendations**

**July 27, 2005**

**PUBLIC HEARINGS**

**1. DEFERRALS**

a. **TR05-046**                      **APPROVED**

**2. CONSENT CALENDAR**

a. **SP05-018**                      **Continued to 8/10/05**

b. **TR04-124**                      **APPROVED**

c. **PD 02-057**                      **APPROVED**

d. **H05-015**                      **APPROVED**

e. **SP05-022**                      **APPROVED**

f. **PDA84-126-30**                      **APPROVED**

g. **PD05-030**                      **Deferred to 8/10/05**

h. **TR05-079**                      **APPROVED**

i. **TR05-075**                      **APPROVED**

j. **PD05-028**                      **APPROVED**

k. **CIS03-001**                      **APPROVED**

l. **PDA04-061-01**                      **APPROVED**

m. **PDA04-062-01**                      **APPROVED**

n.1 **PD05-037**                      **APPROVED**

n.2 **PT05-050**                      **APPROVED**

**3. PUBLIC HEARING**

None